IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

Bail Appl..No. 6165 of 2007()

CMP.5054/2007 of J.M.F.C.-II, CHENGANNUR

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CRIME NO. 193/2006 OF CHENGANNUR EXCISE RANGE

PETITIONER :

ANIL,S/O.RAVI,MADATHILPARAMBIL VEEDU,
VANMAZHY MURI,PANANADU VILLAGE,CHENGANNUR TALUK.

BY ADV. SRI.S.HARIKRISHNAN

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR,HIGH COURT OF KERALA,ERNAKULAM.

2. THE EXCISE INSPECTOR,CHENGANNUR.

BY PUBLIC PROSECUTOR ADV.SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ALONG WITH BA.NOS. 6166, 6168 & 6169 OF 2007 ON 10/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.Nos. 6165, 6166, 6168
& 6169 of 2007

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Dated this the 10th day of October, 2007

ORDER

These applications are for regular bail. The petitioner is the 2nd accused in all the four crimes registered. The petitioner is alleged to have kept in his possession 1.7 litres of arrack on 26.10.07, 1 litre of arrack on 9.2.07, 1.5 litres of arrack on 15.7.06 and 4.5 litres of spirit on 26.10.06. The petitioner was not arrested on such occasions. He surrendered before the learned Magistrate later on 27.9.07. He continues in custody from that date.

2. The learned counsel for the petitioner submits that the petitioner is innocent. It is prayed that the petitioner may now be enlarged on bail.

3. The learned Public Prosecutor opposes the application. In the wake of the opposition by the learned Public Prosecutor, regular bail can be granted to the petitioner only if this court is in a position to entertain the twin satisfactions under Section 41A of the Kerala Abkari Act. I do not find any circumstances which can

persuade this court to entertain either of those two satisfactions at the moment. I am satisfied that this petition deserves to be dismissed now.

4. In the result, this petition is dismissed. I may hasten to observe that the petitioner shall be at liberty to move this court or the learned Sessions Judge for bail at a later stage of the investigation, not at any rate, prior to 24.10.07. The police shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE